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Subject: News Clips - 20 March 2018

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Daily Caller

<http://dailycaller.com/2018/03/19/epa-scott-pruitt-secret-science/>

EXCLUSIVE: Scott Pruitt Will End EPA's Use Of 'Secret Science' To Justify Regulations

By Michael Bastasch, 3/19/18, 9:06 PM

Environmental Protection Agency (EPA) Administrator Scott Pruitt will soon end his agency's use of "secret science" to craft regulations.

"We need to make sure their data and methodology are published as part of the record," Pruitt said in an exclusive interview with The Daily Caller News Foundation. "Otherwise, it's not transparent. It's not objectively measured, and that's important."

Pruitt will reverse long-standing EPA policy allowing regulators to rely on non-public scientific data in crafting rules. Such studies have been used to justify tens of billions of dollars worth of regulations.

EPA regulators would only be allowed to consider scientific studies that make their data available for public scrutiny under Pruitt's new policy. Also, EPA-funded studies would need to make all their data public.

"When we do contract that science out, sometimes the findings are published; we make that part of our rule-making processes, but then we don't publish the methodology and data that went into those findings because the third party who did the study won't give it to us," Pruitt added.

"And we've said that's fine — we're changing that as well," Pruitt told TheDCNF.

Conservatives have long criticized EPA for relying on scientific studies that published their findings but not the underlying data. However, Democrats and environmental activists have challenged past attempts to bring transparency to studies used in rule making.

Texas Republican Rep. Lamar Smith pushed legislation to end the use of what he calls "secret science" at EPA. Pruitt instituted another policy in 2017 backed by Smith against EPA-funded scientists serving on agency advisory boards.

"If we use a third party to engage in scientific review or inquiry, and that's the basis of rulemaking, you and every American citizen across the country deserve to know what's the data, what's the methodology that was used to reach that conclusion that was the underpinning of what — rules that were adopted by this agency," Pruitt explained.

Pruitt's pending science transparency policy mirrors Smith's HONEST Act, which passed the House in March 2017. Smith's office was pleased to hear Pruitt was adopting another policy the House Committee on Science, Space and Technology chairman championed.

"The chairman has long worked toward a more open and transparent rule-making process at EPA, and he looks forward to any announcement from Administrator Pruitt that would achieve that goal," committee spokeswoman Thea McDonald told TheDCNF.

Junk science crusader Steve Milloy also called on EPA to end its use of "secret science" in rule making, especially when it comes to studies on the toxicity of fine particulates in the air.

EPA has primarily relied on two 1990s studies linking fine particulate pollution to premature death. Neither studies have made their data public, but EPA used their findings to justify sweeping air quality regulations.

Reported benefits from EPA rules are "mostly attributable to the reduction in public exposure to fine particulate matter," according to the White House Office of Management and Budget report. That's equivalent to billions of dollars.

In fact, one of EPA's most expensive regulation on the books, called MATS, derived most of its estimated benefits from reducing particulates not from reducing mercury, which the rule was ostensibly crafted to address.

EPA estimated MATS would cost \$8.2 billion but yield between \$28 billion to \$77 billion in public health benefits. It's a similar story for the Clean Power Plan, which EPA estimated would cost \$8.4 billion and yield from \$14 billion to \$34 billion in health and climate benefits.

Democrats and environmentalists have largely opposed attempts to require EPA rely on transparent scientific data. Said data would restrict the amount of studies EPA can use, but a major objection is making data public would reveal confidential patient data, opponents argue.

"A lot of the data that EPA uses to protect public health and ensure that we have clean air and clean water relies on data that cannot be publicly released," Union of Concerned Scientists representative Yogin Kothari told E&E News.

"It really hamstrings the ability of the EPA to do anything, to fulfill its mission," Kothari said.

Milloy, however, countered and argued it's a "red herring" to claim that forcing regulators to use public science data would harm patient privacy.

"The availability of such data sets is nothing new," said Milloy, publisher of JunkScience.com and senior fellow at the Energy and Environmental Legal Institute.

"The state of California, for example, makes such data available under the moniker, 'Public Use Death Files,'" Milloy said. "We used such data in the form of over two million anonymized death certificates in our recent California study on particulates and death."

"Opponents of data transparency are just trying to hide the data from independent scrutiny," Milloy added. "But the studies that use this data are taxpayer-financed, and they are used to regulate the public."

The Hill

<http://thehill.com/policy/energy-environment/379276-pruitt-to-restrict-the-use-of-data-to-craft-epa-regulations>

Pruitt to restrict the use of data to craft EPA regulations

By Timothy Cama, 3/20/18, 9:53 AM

The Trump administration is planning to put new restrictions on the kind of scientific studies and data that the Environmental Protection Agency (EPA) can use to craft its regulations.

The EPA wants to stop using scientific findings whose data and methodologies are not public or cannot be replicated, the Daily Caller reported Tuesday.

It aligns in part with a years-long effort by House Science, Space and Technology Committee Chairman Lamar Smith (R-Texas) to stop the use of "secret science" at the EPA.

Critics have said the effort could hamper the use of health studies for which privacy is a concern, or external studies for which the EPA does not own the data.

"We need to make sure their data and methodology are published as part of the record," Pruitt told the Daily Caller. "Otherwise, it's not transparent. It's not objectively measured, and that's important."

Pruitt said studies completed outside of the EPA could be particularly impacted, but the EPA's own research might also need to change.

"If we use a third party to engage in scientific review or inquiry, and that's the basis of rulemaking, you and every American citizen across the country deserve to know what's the data, what's the methodology that was used to reach that conclusion that was the underpinning of what — rules that were adopted by this agency," he told the Daily Caller.

E&E News first reported Pruitt's intentions Friday, based on a closed-door speech he gave to the conservative Heritage Foundation recently.

Yogin Kothari of the Union of Concerned Scientists said Pruitt's forthcoming policy is merely an effort to restrict the EPA's ability to regulate.

"A lot of the data that EPA uses to protect public health and ensure that we have clean air and clean water relies on data that cannot be publicly released," he told E&E.

"If EPA doesn't have data to move forward with a public protection for a safeguard, it doesn't have to do that at all," Kothari said. "It really hamstring the ability of the EPA to do anything, to fulfill its mission."

Smith's "secret science" legislation consistently passed the House, but ran into veto threats by former President Obama. It also failed to garner the needed 60 votes to pass the Senate.

Politico

<https://www.politicopro.com/energy/whiteboard/2018/03/pruitt-plans-to-change-epa-policy-on-scientific-studies-843621>

Pruitt plans to change EPA policy on scientific studies

By Alex Guillen, 3/20/18, 10:38 AM

EPA Administrator Scott Pruitt plans to change how the agency considers scientific information when writing regulations in a way that likely will exclude certain studies, he told the Daily Caller.

Pruitt told the news site he will reverse longtime agency policy to require that any studies used to support regulations make their raw data available for review and replication by independent scientists.

"We need to make sure their data and methodology are published as part of the record," Pruitt said. "Otherwise, it's not transparent. It's not objectively measured, and that's important."

The changes are in line with legislation that House Science Chairman Lamar Smith (R-Texas) has pushed for years, but which was never been passed by the Senate. Democrats, environmentalists and scientific groups have long criticized that legislation as an attempt to cherry-pick data friendly to industry from the voluminous body of epidemiological science. And EPA already releases significant amounts of this data, they said.

CBO said last year the changes "would significantly reduce the number of studies that the agency relies on." And although EPA said it could make the changes at little to no cost, CBO estimated it would spend \$5 million from 2018 through 2022. EPA previously told CBO it would have to spend \$250 million a year scrubbing information from thousands of studies "to ensure the transparency of information and data supporting some covered actions."

WHAT'S NEXT: Pruitt did not say when he will issue a formal directive changing EPA's science policy.

Details lacking as Pruitt attacks 'secret science'

By Scott Waldman, 3/20/18

U.S. EPA is not releasing details of its plan to make science at the agency more transparent.

EPA will require that data and methodology from studies used to craft regulations be made public. In addition, studies that receive EPA funding must make data public.

EPA spokesman Jahan Wilcox would not release additional information about the plan and referenced Administrator Scott Pruitt's comments to the conservative news organization The Daily Caller. The agency sent that publication the article as a press release but did not otherwise lay out any details.

"We need to make sure their data and methodology are published as part of the record," Pruitt told the outlet. "Otherwise, it's not transparent. It's not objectively measured, and that's important."

E&E News first reported on the plan to restrict science on Friday (Climatewire, March 16). The plan has long been on the wish list of industry leaders as well as conservative think tanks and lawmakers. It is based on a bill, the "Honest and Open New EPA Science Treatment (HONEST) Act" (H.R. 1430), pushed by Rep. Lamar Smith (R-Texas), who routinely accuses federal climate scientists of conspiracy and biased results. Smith has been unable to advance his bill through the GOP-controlled Senate.

"If we use a third party to engage in scientific review or inquiry, and that's the basis of rulemaking, you and every American citizen across the country deserve to know what's the data, what's the methodology that was used to reach that conclusion that was the underpinning of what — rules that were adopted by this agency," Pruitt told The Daily Caller.

Critics say Pruitt's efforts are designed to restrict rulemaking at the agency and would prioritize industry research over academic and independent science (Climatewire, March 19). Scientists have pointed out that the data in a number of groundbreaking public health studies may not be available.

In crafting regulations, EPA relies on a wide variety of studies, some of which were conducted decades ago. In some cases, the researchers are now dead. In others, releasing data could violate public health disclosure laws. In addition, gathering data and publicizing it can be an extensive process and one that researchers may not be willing to disclose.

The directive is designed to allow industry researchers a chance to tear down studies, said Bernard Goldstein, dean emeritus of the University of Pittsburgh Graduate School of Public Health and the Reagan-era EPA assistant administrator for research and development.

"What's going to happen with an 'HONEST Act' approach is that industry will take data out of context," he said. "They will get people who are being paid by industry to nitpick that data, and they will come out and say, 'Aha, they get it all wrong.'"

The danger of the directive is that it could quickly spread to other agencies, such as the Food and Drug Administration, where industry is trying to weaken studies that undergird regulations, Goldstein said.

A significant question is whether the agency would apply the directive to regulations now in place or only to new regulations. Career staff at the agency have estimated the cost of implementing the plan could be \$250 million annually for the first few years. Pruitt's EPA has pushed back on that estimate, saying it would be effectively zero and implying that the agency would not take up new regulations.

Publicizing the data in some EPA actions, which often come after years of research, could be extensive. For example, risk assessments for certain chemicals sometimes cite hundreds or even thousands of studies, all of which would have to be tracked down for data collection, according to the EPA career staff analysis of the "HONEST Act." Requiring data transparency would cost hundreds of millions of dollars because it would require EPA staff to track down data from study authors and create an online management system to store and present that data, the analysis found. In addition, EPA staff would have to spend time redacting personally identifiable information in the studies, and study authors would likely require payments for preparing and sending their data, which can take a significant amount of time.

Pruitt is now reviewing the Clean Power Plan, which would restrict pollution from power plants, and the new directive could have significant implications for that rule. In addition, the agency must review the Clean Air Act, which protects the public from air pollution, and the new rule could dramatically limit the research used in that rule.

The new EPA policy is the second science-based initiative Pruitt adapted from bills that Smith, the outgoing chairman of the House Science, Space and Technology Committee, could not get passed through Congress. Last year, Pruitt declared that the agency's science advisers could not receive grants from the agency, which restricted a number of academic researchers who were then replaced by industry-friendly scientists.

NJ.com

http://www.nj.com/politics/index.ssf/2018/03/how_the_trump_administration_plans_to_clean_up_nj.html

Trump administration plans to force polluters to clean up N.J. Superfund sites

By Jonathan D. Salant, 3/20/18, 8:18 AM

WASHINGTON -- The Environmental Protection Administration plans to step up efforts to get the companies who dumped toxic waste at New Jersey's Superfund sites to pay to clean them up, administrator Scott Pruitt said.

Pruitt on Monday blamed a lack of urgency, not a lack of funding, for the lack of progress in cleaning up the sites. New Jersey has 114 designated Superfund sites, the most in the nation, including three of Pruitt's 21 highest-priority locations.

"I'm going to get accountability with whomever it is on these Superfund sites and we will use every means of enforcement to do so," Pruitt told a group of Washington-based reporters from local news outlets, including NJ Advance Media. "I don't think we've done it as well as we should have historically and we're going to do better going forward."

While President Donald Trump has proposed cutting EPA's budget, Pruitt said the agency will have the money it needs by ensuring that the companies responsible for the contamination clean it up.

"Most of our sites across the country have a responsible party," Pruitt said. "We have very few orphan sites."

The three high-priority sites in New Jersey, again more than any other state, are in Bridgewater, Bergen County and Newark.

"I don't think we've been as aggressive in using our strength and our authority to get accountability at some of these sites and, moreover, to get it done timely," Pruitt said. "The New Jersey sites, we have several of those and we're going to work hard and diligently to get accountability into those areas."

Environmentalists, though, said they're concerned that the EPA won't really force companies to pay to clean up the sites.

"Will he go after them sue them and compel them to clean, or will he just do clean up on paper and just get them off the list," said Jeff Tittel, director of the New Jersey Sierra Club. "We think he wants to take them off the list without having the sites cleaned up."

Tittel, who said Pruitt is undercounting the orphan sites, said companies responsible for the pollution fight EPA's efforts to make them pay, and it remains to be seen what the agency will do to force them to open their wallets.

"The responsible parties drag their feet because they don't want to spend a lot of money," Tittel said. "The question becomes: What will they do to make them spend their money?"

The company responsible for some of New Jersey's Superfund sites is Dow Chemical. Dow's senior attorney, Peter Wright, has been nominated to run the EPA Office of Land and Emergency Management, the agency that oversees Superfund cleanups.

Pruitt said that career employees are responsible for determining whether an EPA official must recuse himself from particular projects.

The administrator also called for renewed efforts to replace pipes that are leaching lead into water supplies. A report last year said 300 schools in 95 New Jersey districts had fountains with lead exceeding federal standards.

Pruitt said states and localities, with some federal help, need to borrow money for repairs. Pruitt said Trump's proposed infrastructure plan, which includes \$200 billion in federal funds, could supply some financial assistance, though the plan caps the U.S. share at 20 percent.

"It's going to require investment in infrastructure," Pruitt said. "We know what needs to be done. We need to replace those service lines, corrosion control measures. This is infrastructure at its core. There needs to be an investment made by these states and cities across the country."

The cost of replacing all those lines now leaching lead is \$40 billion to \$45 billion over 10 years, Pruitt said.

"We can truly eradicate lead from our drinking water if we want to invest that kind of money," he said. "It's a clear and present danger to our citizens and we need to act urgently to address it."

Albuquerque Journal

<https://www.abqjournal.com/1148066>

EPA close to settling claims on mine spill

By Michael Coleman, 3/19/18, 11:32 PM

WASHINGTON – Environmental Protection Agency Administrator Scott Pruitt said Monday that the federal government is close to finishing its assessment of roughly 400 claims for financial damages stemming from the 2015 Gold King Mine spill, which dumped toxic chemicals into waters in New Mexico, Colorado and Utah, and final recommendations could be ready by the end of the month.

Former EPA Administrator Gina McCarthy, an Obama-era appointee, announced toward the end of her tenure in 2016 that the government would not pay any damages to farmers and others harmed by the toxic spill, arguing it was not allowed under the Governmental Tort Claims Act. But after President Donald Trump appointed Pruitt in early 2017, the former Oklahoma attorney general vowed to re-examine the issue.

"We've been working diligently since last summer to go through each of those (claims), and we are close to finishing," Pruitt said in response to a question from the Journal during a meeting with a small group of reporters in his office Monday.

The August 2015 mine spill occurred when a crew hired by the EPA to mitigate leakage from an old mine site accidentally punctured a containment wall, sending a plume of toxic orange waste out of the defunct Gold King Mine, north of Silverton, Colo. The sludge flowed from the Animas River into the San Juan River, which flows into northern New Mexico and to Utah. Claims totaling more than \$1.2 billion have been filed by members of the Navajo Nation and others.

"This agency contributed to a release of toxic materials into the water supply and the Animas River and then walked away," Pruitt said Monday. "It was a de facto, universal, categorical denial of claims. The defenses that have been deployed under the Governmental Tort Claims Act to deny liability, I don't think are there based upon the facts I've reviewed. I think the people of each of those respective states deserve to have their claims processed and if the (toxic) release caused harm and damages, how much? It's fair and right for us to deal with those and make a determination."

Pruitt noted that any claim in excess of \$2,500 must be adjudicated by the Department of Justice, but claims below \$2,500 can be settled directly by the EPA. He said the 400 claims range from "a couple hundred dollars to more than \$10 million."

About 400 private parties submitted requests for a total \$318 million, according to EPA documents reviewed by The Associated Press. The claims cited lost wages and business income, ruined vacations, property damage, loss of property value and health problems.

"The last I heard is it's imminent," Pruitt said of the EPA's settlement recommendations, although EPA officials aren't sure when actual payments to claimants could be made. "You've got to determine if it's legitimate or not and then make a decision."

Parties who have filed lawsuits against the EPA in connection with the spill must have their claims adjudicated by the courts, not the EPA.

New Mexico sued the EPA and is seeking at least \$130 million in damages.

Spending investigation

In unrelated news, Pruitt told the Journal he would cooperate with a federal General Accountability Office inquiry into the EPA's spending on a "privacy booth" to secure communications in his office.

On Monday, Sen. Tom Udall, D-N.M., wrote Pruitt asking him to comply with the inquiry, noting that the GAO sent its first request of several seeking information to the EPA on Dec. 21, 2017, but the EPA has not responded.

Under section 710 of the Consolidated Appropriations Act of 2017, the administration can't spend more than \$5,000 to furnish, redecorate, or make improvements to the office of a presidential appointee without first notifying the House and Senate appropriations committees, according to Udall's office. Published reports have said the booth may have cost more than \$43,000.

"I am concerned that the agency may be misleading the committee and the public about the function of the privacy booth while also inappropriately classifying the expense as related to national security in order to avoid proper notification under section 710," Udall, a member of the Senate Appropriations Committee, wrote to Pruitt. "The American people deserve an open and transparent budget process."

Pruitt told the Journal his office would comply with the GAO inquiry, but he declined to discuss the matter further.

"We'll provide whatever information is necessary, and we'll let it speak for that when we send it," Pruitt said. "We'll just respond to the GAO and deal with that in due course."

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060076861/search?keyword=EPA>

EPA plans summit on politically toxic nonstick chemicals

By Corbin Hiar, 3/20/18

U.S. EPA Administrator Scott Pruitt has invited governors from every state and territory to a two-day meeting on a class of stain- and water-resistant chemicals after concerns about their health effects sank the nomination of his chemical safety adviser.

The National Leadership Summit, as EPA is referring to it, will take place in Washington on May 22 and 23. Governors or their representatives will share information on ongoing efforts to evaluate and respond to contamination from per- and polyfluoroalkyl substances, or PFAS.

"EPA's leadership summit will bring together stakeholders from across the country to build on the steps we are already taking and to identify immediate actions to protect public health," Pruitt said in a news release. "Through this event, we are providing critical national leadership, while ensuring that our state, tribal, and local partners have the opportunity to help shape our path forward."

Using information gathered at the summit and in state visits that will follow it, EPA plans to develop a "PFAS Management Plan" later this year.

The agency currently has no drinking water standards for PFAS, which have been used since the 1940s to make products like Teflon.

But in May 2016 the agency issued health advisories for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS), two types of PFAS that U.S. manufacturers had voluntarily phased out the prior year.

"Studies indicate that exposure to PFOA and PFOS over certain levels may result in adverse health effects," EPA said in a Federal Register notice announcing the advisories. Those include testicular and kidney cancer, liver tissue damage, weakened immune systems and increased cholesterol, and developmental problems like low birth weight, accelerated puberty and skeletal variations, the notice said.

To avoid those dangers, EPA advised federal, state and local officials to keep PFOA and PFOS levels below 70 parts per trillion in drinking water.

The advisory, however, is not legally enforceable.

Partially as a result, there are currently 11 states with "site-specific PFAS challenges and problems," according to EPA: These include Colorado, Delaware, Maine, Michigan, New Hampshire, New Jersey, Ohio, Vermont and West Virginia.

The biggest PFAS problems have arguably occurred in Hoosick Falls, N.Y., and the Cape Fear River area of North Carolina.

Last year, EPA declared a plastics manufacturing facility in Hoosick Falls a Superfund site, a designation reserved for the nation's most polluted areas. The agency found the Saint-Gobain Performance Plastics site had contaminated the village's groundwater with dangerous levels of PFOA, trichloroethylene and vinyl chloride (Greenwire, July 31, 2017).

North Carolina regulators are currently battling Chemours Co. over its decision to dump GenX, a newer type of PFAS, into the Cape Fear River.

Dourson derailed by PFAS

The PFAS contamination in New York and North Carolina has already had consequences for Pruitt and EPA.

During the confirmation hearing of Michael Dourson, President Trump's ill-fated pick to lead EPA's chemical safety program, Sen. Kirsten Gillibrand (D-N.Y.), pointing to Hoosick Falls community members in attendance, asked him if he would promise not to weaken the drinking water standard for PFOA. He didn't offer any specifics (E&E Daily, Oct. 5, 2017).

Then Sen. Richard Burr (R-N.C.) cited "the current GenX water issues" as one of his reasons for opposing Dourson. Before briefly working as an adviser to Pruitt, the nominee often did industry-funded research on chemicals like GenX that consistently found them to be safer than government standards recommended (Greenwire, Nov. 16, 2017).

Unified Democratic opposition, along with concerns from Burr and fellow North Carolina Republican Sen. Thom Tillis, ultimately derailed Dourson's confirmation for that post.

The chemical industry welcomed the summit but claimed that GenX and other types of PFAS on the market today are safe.

"We are fully supportive of EPA's efforts to closely evaluate these chemicals," said Jessica Bowman, executive director at the FluoroCouncil, a PFAS industry group administered by the broader American Chemistry Council trade association. Chemours is a FluoroCouncil member.

"It is important for everyone to understand that PFAS is a diverse group of chemicals, and the ones that are currently on the market have been thoroughly reviewed by regulators who have relied on a robust body of scientific data supporting the safety of these products for their intended uses," Bowman added. "So we look forward to contributing to this effort and sharing the science-based information on these chemistries with EPA."

AP

<https://apnews.com/837c6f17bbfa4fa292650d1419a01ffd/EPA-pledges-new-plan-on-contaminant-from-non-stick-coatings>

EPA pledges new plan on contaminant from non-stick coatings

3/19/18

WASHINGTON (AP) — Federal environmental regulators say they'll consult with states on managing contamination from a range of long-used non-stick coatings.

The U.S. Environmental Protection Agency said Monday it would hold a May summit with state officials. The session will focus on a family of industrial chemicals used for decades in everything from non-stick pans to food wrappers to bags for microwaveable popcorn. The chemicals are known as perfluoralkyls and polyfluoralkyls, or PFAs. Studies now link long-term exposure to the industrial chemicals to increased risks of cancer, hormone changes and other disturbances.

Researchers say water supplies serving millions of Americans show potentially dangerous levels of the contaminants.

The EPA says it will use input from state officials to develop a new management plan for the chemicals this year.

Washington Post

https://www.washingtonpost.com/news/energy-environment/wp/2018/03/20/on-italy-trip-travel-costs-for-epa-chiefs-security-detail-topped-30000/?utm_term=.15a73ad1b12f

Travel costs for EPA chief's security detail topped \$30,000 on Italy trip

By Juliet Eilperin and Brady Dennis, 3/20/18, 2:59 PM

The travel costs for Scott Pruitt's round-the-clock security detail exceeded \$30,000 during the Environmental Protection Agency administrator's trip to Italy in June, according to documents released by the agency.

The precise breakdown of what Pruitt's security contingent spent on flights and lodging remains unclear because the agency released only a single, almost totally redacted page, showing that the detail's travel expenses for June 5 to 12 came to \$30,553.98. The Environmental Integrity Project, an advocacy group, obtained the records under the Freedom of Information Act.

The latest figures shed new light on how much taxpayers spent to send Pruitt and a coterie of aides to Italy, where they got private tours of the Vatican, met with papal officials and business executives in Rome and briefly attended a conference of environmental ministers in Bologna. The Washington Post previously reported that the trip had cost nearly \$90,000, including \$36,000 for use of a military jet to catch a flight in New York and a \$7,000 premium-class ticket for Pruitt on the transatlantic flight.

The tab for the trip, which also included seven political appointees and two career officials, now appears closer to \$120,000.

"That's a lot of money for Mr. Pruitt to tour the Vatican, pose for photos and tell his European counterparts that global warming doesn't matter," Eric Schaeffer, director of the Environmental Integrity Project, said in a statement Tuesday. "And it doesn't even include salary costs for everyone who signed up for this tour. Maybe next time he should just send his regrets."

EPA officials pushed back, saying the security measures were in line with those for past EPA administrators.

"Administrator Pruitt's security detail followed the same procedures for the G-7 environmental meeting in Italy that were used during EPA Administrators Stephen Johnson, Lisa Jackson and Gina McCarthy's trips to Italy," agency spokesman Jahan Wilcox said in an email. "EPA's security procedures have not deviated over the past 14 years."

However, the amount of security has escalated significantly under the current administration because of Pruitt's 24/7 protection since shortly after taking office. He and his aides say the heightened security is necessary given the increased threat level he faces, including vulgar online comments and verbal confrontations during his public appearances. The incidents have included "some very personal, ugly threats," Patrick Sullivan, the EPA assistant inspector general for investigations, told The Post last year.

Henry Barnett, who directs the EPA's Office of Criminal Enforcement, Forensics and Training, said last month that the head of Pruitt's security detail recommended in May he fly in first or business class to provide "a buffer" between him and the public. The memo by Pasquale "Nino" Perrotta was prompted by an incident that month when a person approached Pruitt "with threatening language" that was "vulgar," Barnett said.

Separately Tuesday, Sen. Sheldon Whitehouse (D-R.I.) asked the EPA's inspector general to investigate whether the agency's spending on Pruitt's security detail is "excessive or inappropriate and whether it detracts from the agency's ability to investigate environmental crimes."

Whitehouse's letter cites various instances in which Pruitt's detail accompanied him around the clock even when he was not conducting official business, including when he attended the Rose Bowl game in January and later took his family to

Disneyland. Whitehouse asked investigators about costs associated with such trips, namely how much taxpayers are responsible for.

“While I consider matters of personal security to be extremely serious,” the senator wrote, “personal security should never be used as a pretext to obtain special treatment.”

The Hill

<http://thehill.com/policy/energy-environment/379295-pruitts-security-detail-cost-30000-for-italy-trip>

Cost of Pruitt's Italy trip rises above \$84,000

By Timothy Cama, 3/20/18, 11:37 AM

Environmental Protection Agency (EPA) Administrator Scott Pruitt spent more than \$30,000 on security related expenses during his travel to Italy last summer, official documents show.

New EPA travel documents show Pruitt's personal security detail racked up \$30,553.80 in travel expenses between June 5 and 12 of last year. Added to previously disclosed costs, the documents put the total taxpayer cost of the trip above \$84,000.

During that time period, Pruitt was visiting Italy for meetings at the Vatican and to meet with international energy ministers at a summit. The administrator heavily photographed and tweeted about his time abroad.

Travel vouchers previously obtained by the Environmental Integrity Project (EIP) put the cost to taxpayers above \$53,000 for the Italy trip, but did not include costs for his 24-hour security detail.

EPA spokesman Jahan Wilcox said the cost for Pruitt's security detail followed protocol.

“Administrator Pruitt's security detail followed the same procedures for the G7 environmental meeting in Italy that were used during EPA Administrators Stephen Johnson, Lisa Jackson, and Gina McCarthy's trips to Italy. EPA's security procedures have not deviated over the past 14 years,” Wilcox said.

Pruitt's own first-class tickets for the trip cost more than \$7,000 and included a return flight on Emirates, an airline that boasts one of the most luxurious first-class services in the world.

An EPA spokesperson previously said the first-class travel was approved through a waiver.

The EIP first obtained the new travel documents Monday after filing a lawsuit against the EPA in September to compel a response to a Freedom of Information Act (FOIA) request. Their initial FOIA request, filed in August, requested “records of expenditures for all travel outside of Washington, DC by Administrator Pruitt, as well as any EPA staff that accompanied Administrator Pruitt” on his Italy trip.

“That's a lot of money for Mr. Pruitt to tour the Vatican, pose for photos, and tell his European counterparts that global warming doesn't matter. And it doesn't even include salary costs for everyone who signed up for this tour,” said Eric Schaeffer, the EIP's director and former director of the EPA's Office of Enforcement, in a statement.

The new documents come after significant scrutiny and criticism of Pruitt for his travel costs. The EPA's Office of Inspector General has a number of probes into Pruitt's travel, including his use of a round-the-clock security team.

Pruitt is the first EPA administrator to have a 24-hour detail, a decision he said was made by security officials. The detail cost more than \$830,000 in his first three months in office, E&E News reported.

The administrator has also faced criticism for flying luxury class during business travel. During much of his tenure at the EPA, Pruitt has only flown first or business class, which the agency argued was necessary for security purposes.

"The quantity and type of threats that I face are unprecedented. They wanted me on a position on the plane to be able to exit expeditiously if an incident arose, and that's why the change arose," Pruitt said of his security detail in an interview last month with CBS News's Major Garrett.

Pruitt has joined numerous Cabinet secretaries in attracting criticism for their use of taxpayer money.

Interior Secretary Ryan Zinke, Veterans Affairs Secretary David Shulkin and Housing and Urban Development Secretary Ben Carson have each had spending-related controversies, while former Health and Human Services Secretary Tom Price resigned due to a scandal regarding his use of charter planes.

Reuters

<https://www.reuters.com/article/us-usa-epa-spending/epa-chiefs-security-detail-on-italy-trip-cost-30000-document-idUSKBN1GW29H>

EPA chief's security detail on Italy trip cost \$30,000: document

3/20/18, 1:21 PM

(Reuters) - The U.S. government spent over \$30,000 on personal security for Environmental Protection Agency chief Scott Pruitt during his trip last year to Italy, according to documents obtained by a watchdog group that said the spending was irresponsible at a time of budget cuts.

According to the document, obtained by the Environmental Integrity Project through a Freedom of Information Act request and shown to Reuters, Pruitt's personal security detail racked up \$30,553.88 in travel costs from June 5 through June 12, 2017, when Pruitt was in Italy for meetings at the Vatican and to attend a summit of foreign energy ministers.

Previous documents released by EIP showed the cost of Pruitt's trip to Italy at \$43,000, not including the security detail. The new documents, which include airfare and expenses for Pruitt, his career and political staff, and his security detail, put the cost over \$80,000, EIP calculated.

"Mr. Pruitt's trip to Rome last summer cost the taxpayers over \$84,000," said Eric Schaeffer, EIP's director. "That's a lot of money for Mr. Pruitt to tour the Vatican, pose for photos, and tell his European counterparts that global warming doesn't matter," he said.

Spending by top officials in the Trump administration has come under more scrutiny by critics at a time when federal agencies have been making sharp budget cuts. Lawmakers have also criticized Pruitt for frequently flying first-class, and for spending tens of thousands of dollars on a secure sound-proof telephone booth for his office.

EPA spokesman Jahan Wilcox said the security detail "followed the same procedures for the G7 environmental meeting in Italy that were used during EPA Administrators Stephen Johnson, Lisa Jackson, and Gina McCarthy's trips to Italy. EPA's security procedures have not deviated over the past 14 years."

It was unclear from looking at the document how many members were in the security detail, and no breakdown of the spending was provided.

EIP has been critical of Pruitt's statements questioning the causes of global climate change and his efforts to roll back environmental protections.

EPA has said Pruitt has flown first-class as a security measure, and that the administrator does not make decisions relating to his security detail.

Politico

<https://www.politicopro.com/energy/whiteboard/2018/03/security-for-pruitts-italy-trip-cost-31k-844666>

Security for Pruitt's Italy trip cost \$31K

By Emily Holden, 3/20/18, 11:57 AM

The cost for the security team to accompany EPA Administrator Scott Pruitt on a trip to Italy for international meetings in June totaled nearly \$31,000, bringing the price tag for Pruitt's trip to at least \$120,000, according to public records released to the Environmental Integrity Project under a lawsuit.

The additional expenditures include airline fare, lodging and accommodations for Pruitt's security guards, EIP said. EPA would not disclose whether any security staff flew first or business class alongside Pruitt, the group said.

Information obtained by EIP last month showed the four-day trip by Pruitt and his staffers cost about \$53,000 in expenses. Pruitt also spent \$36,000 on a military flight to New York to catch a plane to Rome for meetings ahead of the G-7 Environment Ministerial in Bologna, after attending an infrastructure event with the president in Cincinnati.

Pruitt appeared briefly at the G-7 talks before returning to Washington for a Cabinet meeting.

AP

<https://apnews.com/7c35a9f631344fa0ba87b09b28ee5927/New-travel-costs-revealed-for-EPA-head-amid-ongoing-scrutiny>

New travel costs revealed for EPA head amid ongoing scrutiny

By Michael Biesecker, 3/20/18

WASHINGTON (AP) — Environmental Protection Agency Administrator Scott Pruitt spent more than \$120,000 in taxpayer funds last summer for a trip to Italy that included a meeting of G-7 ministers and a private tour of the Vatican.

The known cost of Pruitt's previously reported trip grew this week after the agency disclosed a highly redacted document showing expenses for Pruitt's security detail cost more than \$30,500. That's on top of nearly \$90,000 spent for food, hotels, commercial airfare and a military jet used by Pruitt and his staff.

Pruitt has defended his frequent travel, the full cost of which hasn't been publicly revealed. That includes sitting in first class, which he described as a security precaution.

Spokesman Jahan Wilcox said the security procedures for Pruitt were the same as for prior EPA chiefs.

The Detroit News

<https://www.detroitnews.com/story/news/local/michigan/2018/03/19/mich-begin-oil-refinery-cleanup-muskegon-lake/33081455/>

Mich. to begin oil refinery cleanup on Muskegon lake

3/19/18, 12:17 PM

North Muskegon – Officials will soon begin cleaning up lead and petroleum contamination from a former oil refinery in western Michigan.

The Muskegon Chronicle reports that the U.S. Environmental Protection Agency and the Michigan Department of Environmental Quality hope to make significant progress this year at the former Zephyr Oil Refinery site in Muskegon Township.

Sara Pearson is a unit supervisor for the DEQ's remediation and redevelopment division. She said Thursday the effort aims to remove 44,000 cubic yards (33,600 cubic meters) of contaminated soil and sediments from the site and nearby wetlands.

Cleanup crews will inject a liquid chemical agent in the soil at the site. The compound will break down the harmful underground petroleum deposits. A hydraulic vacuum truck will suck up leftover chemicals and un-oxidized soil.

AP

<https://apnews.com/72b0b0c0320f43b482df02683bca0fc4/Michigan-to-begin-oil-refinery-cleanup-on-Muskegon-lake>

Michigan to begin oil refinery cleanup on Muskegon lake

3/19/18

NORTH MUSKEGON, Mich. (AP) — Officials will soon begin cleaning up lead and petroleum contamination from a former oil refinery in western Michigan.

The U.S. Environmental Protection Agency and the Michigan Department of Environmental Quality hope to make significant progress this year at the former Zephyr Oil Refinery site in Muskegon Township, the Muskegon Chronicle reported .

The effort aims to remove 44,000 cubic yards of contaminated soil and sediments from the site and nearby wetlands, said Sara Pearson with the DEQ's remediation and redevelopment division.

"Our beautiful beach sand is black, it smells awful and is full of petroleum, so we needed to get it out," Pearson said.

An estimated 150,000 gallons of petroleum percolated underground and spread once it hit the water table, she said.

"The ground water helped it move," Pearson said. "It was most unfortunate then that the refinery has a groundwater divide underneath. That made the problem spread to about 100 acres."

The Muskegon River's strong current helped pull contaminants away from drinking wells, she said.

Cleanup crews will inject a liquid chemical agent in the soil at the site. The persulfate oxidizer compound will break down the harmful underground petroleum deposits. A hydraulic vacuum truck will suck up leftover chemicals and un-oxidized soil. Crews will begin in the middle of the site and work outward.

"We know where the heavy spots are and where to target," Pearson said. "We're working in one grid at a time, and we have other wells out there that we can monitor and see how much we're influencing. If we haven't influenced enough or got enough out, we will 'wash, rinse and repeat.'"

The EPA and the DEQ will monitor the site to watch for deposits that may have been overlooked, she said.

Muskegon Lake is one of 43 toxic hotspots the United States and Canada have identified along the Great Lakes basin.

AP

<https://apnews.com/26a11609ab144d1d93a19c1a360ba519/Feds-add-a-week-for-comments-about-Superfund-proposal>

Feds add a week for comments about Superfund proposal

3/19/18

GRENADA, Miss. (AP) — Federal officials are giving people another week to comment about whether a polluted Mississippi industrial site should go on the national Superfund cleanup list.

Listing the Rockwell International Wheel & Trim site in Grenada would make it eligible for long-term cleanup money.

Forty-two comments had been submitted as of Monday, when the comment period was scheduled to end.

The U.S. Environmental Protection Agency extended it until March 26.

Ohio-based Ice Industries now operates part of the 40-acre complex as Grenada Stamping.

The industrial solvent trichloroethene was used there in manufacturing and chrome plating. It's been found on site, in an adjacent neighborhood, in a creek and at a dump site. Residents of the Eastern Heights neighborhood have long complained about contamination.

New Hampshire Public Radio

<http://nhpr.org/post/seacoast-reps-sue-coakley-group-records-portsmouth-prepares-release-toxic-waste-documents#stream/0>

Seacoast Reps. Sue for Coakley Group Records as Portsmouth Prepares to Release Toxic Waste Documents

By Annie Ropeik, 3/19/18

The city of Portsmouth says it expects to release a trove of documents about toxic waste cleanup at Coakley Landfill Superfund Site around the end of this month.

It comes as a group of Seacoast lawmakers files suit to get records from the entities responsible for that pollution, known together as the Coakley Landfill Group.

When the landfill first became a Superfund site in the 1990s, an Environmental Protection Agency settlement laid out who belongs in that group and what share of the overall environmental damage each is responsible for.

Almost two-thirds of that damage is attributed to municipalities – primarily Portsmouth, as well as the towns of Newington and North Hampton. The rest is split among more than two dozen private businesses.

But some state representatives argue the Coakley Group's communications and financial records still constitute public information.

On Friday, Rockingham County Reps. Mindi Messmer, Renny Cushing, Phillip Bean, Henry Marsh and Mike Edgar, along with former Portsmouth Assistant Mayor James Splaine, sued in Superior Court to get those records. (Read a draft of the lawsuit.)

Earlier this year, those plaintiffs filed requests under the state's Right-to-Know law with the Coakley Group, as well as with Portsmouth, Newington and North Hampton.

Coakley Group chair and Portsmouth city attorney Robert Sullivan responded in early February. He said the city of Portsmouth hoped to fill its part of the request within six weeks, but the Coakley Group could not.

"Who do they report to? What kind of entity are they? It's all very murky to us."

"Because the Coakley Landfill Group is a voluntary association of parties and not a governmental entity the Right-to-Know law would not apply to the Coakley Landfill Group," Sullivan wrote. (Read his entire letter.)

Messmer disagrees, but says Coakley's parameters as a public-private entity aren't clear.

"Who do they report to? What kind of entity are they? Who do they have to tell where their expenditures are going? It's all very murky to us," she says.

Her new lawsuit seeks records on how the Coakley Group handled at least \$10 million in public funds. Some of that money was initially supposed to fund a comprehensive treatment system for contamination at the Superfund site.

"We just want to get to where all this money went, why was the system never installed, and try and work toward finding a solution right now that works for the communities of the Seacoast," Messmer says.

The goal, she says, is making that erstwhile treatment system a reality, and preventing potential leaching of contamination from Coakley into surrounding towns' drinking and groundwater.

Messmer also sponsored legislation in the State House this session that would have spurred the release of Coakley documents. She says the issue is currently on track for interim study.

Messmer did get House approval for another Coakley bill, which would compel the state Department of Environmental Services to get money from the Coakley Group for remediation. That proposal goes next to the Senate.

Meanwhile, a hearing on the public records suit is set for April 12 in Rockingham Superior Court.

It's unclear whether Portsmouth's documents will answer the questions lawmakers have raised.

But Robert Sullivan says Messmer and her colleagues may get some of the answers they're looking for before then, when Portsmouth fills its part of their records request.

Sullivan says they're preparing to release reams of paper files spanning the 26-year history of the Coakley Group and the Superfund site.

"The completion of that calls for assembling a tremendous number of documents – certainly over a hundred thousand pages," Sullivan says.

He expects that work to be complete, and the documents available for public review, "on or about March 28."

It's unclear whether the city of Portsmouth's documents will overlap enough with Coakley Landfill Group records to answer the questions lawmakers have raised.

Sullivan says he views some of those issues, such as the spending of federal money on the landfill, "as a matter of public record." He says he expects to produce documents about them as part of this month's release.

Messmer remains skeptical.

"The city of Portsmouth was not the only responsible party in this, and so we don't know that we'll get the types of things that we're looking for," she says. "There's going to be a whole set of records that we will not be able to access through just the city."

And she's not optimistic the answers lie in any EPA records. The agency manages the settlement that formed the Coakley Group, but Messmer says federal officials don't have much oversight of the group's finances.

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060076851/search?keyword=EPA>

Pruitt aide didn't have to sign Trump ethics pledge

By Kevin Bogardus and Amanda Reilly, 3/20/18

One of U.S. EPA Administrator Scott Pruitt's top aides wasn't required to sign President Trump's ethics pledge.

Byron Brown, deputy chief of staff for policy, was hired in an "administratively determined" position — a unique hiring authority held by the agency under the Safe Drinking Water Act. Consequently, Brown was not designated as a political appointee and didn't have to abide by the pledge.

"Because I am in an Administratively Determined position, I have been advised by [Office of General Counsel]/Ethics that I am not considered an appointee for the purposes of Executive Order 13770 and therefore not required to sign the Trump Ethics Pledge," Brown said in his recusal statement, obtained by E&E News under the Freedom of Information Act.

Brown did note that as an executive branch employee, he was subject to federal impartiality standards and that he had a "covered relationship" with his spouse's employer, Hess Corp. According to his statement, dated last Sept. 26, Brown has recused himself from matters that would have an impact on Hess — even issues of "general applicability" that are focused on oil and gas exploration and production as well as oil and gas processing and transportation.

Brown's recusal lasts until his spouse is no longer employed by Hess. But he is not recused from "broad policy deliberations" related to "diverse interests," such as EPA's risk management plan rulemaking, which was specifically cited by the EPA official.

The Obama-era regulation would require chemical plants to draft plans to prepare for potential disasters. It was originally scheduled to be implemented in March 2017, but Trump's EPA has since delayed the rule for nearly two more years, a decision that is being challenged in court.

Brown is one of several former aides to Sen. Jim Inhofe (R-Okla.) to join EPA under Pruitt. Last year, he was picked to serve on the agency's regulatory reform task force, which was tasked with identifying rules for repeal or modification.

EPA press officials didn't respond to a request for comment from E&E News, including to a question on whether Brown planned to sign the Trump ethics pledge.

Other senior officials have avoided signing the president's ethics pledge.

Nancy Beck, deputy assistant administrator in EPA's chemicals office, was also brought on in an administratively determined slot and didn't sign the pledge. That attracted scrutiny due to her prior job before joining the agency as a top executive with the American Chemistry Council (Greenwire, Aug. 8, 2017).

EPA can hire up to 30 employees in administratively determined positions under the Safe Drinking Water Act. The specific provision for that hiring authority was added in the law's 1977 amendments. It allows the administrator to bring on new staff "without regard to the civil service laws."

Last year, Democrats on Capitol Hill took notice of the agency's use of the hiring authority and called for probes to see whether it was used to avoid ethics rules. That led to both the EPA inspector general and the Government Accountability Office committing to investigate the matter (Greenwire, Jan. 9).

Jennifer Kaplan, an EPA IG spokeswoman, confirmed to E&E News that the watchdog office's audit of EPA's use of administratively determined positions is still ongoing. Meanwhile, GAO spokesman Chuck Young said the agency's probe is "on hold" because the EPA IG audit is underway and GAO doesn't want to overlap with that investigation.

"We don't want to duplicate efforts," Young said. "We will make a determination on whether there are still questions for GAO to examine once the IG work is completed."

Lobbyists pledge not to lobby

Like Beck, other top EPA officials have grabbed attention for industry ties. Democratic senators questioned the hire of Tate Bennett at the agency last year due to her previous lobbying work for the National Rural Electric Cooperative Association, a powerful utility trade group (Greenwire, May 16, 2017).

Bennett, who leads EPA's public engagement office, said in a recusal statement dated last November that she is prohibited from participating in "any particular matter" involving NRECA. Her recusal lasts until March 19 next year — two years after she joined government service.

She also noted that she "personally lobbied" on matters that might arise at EPA, but only in her "final months" on the job with the utility trade group — specifically the Clean Power Plan, ozone standards and coal combustion residual issues. Bennett said she wouldn't participate in discussions about those issues, although she can be involved in "logistical matters," such as setting up meetings. She will seek guidance from ethics officials if she is asked to participate "in a more substantive role" in those issues.

Other records obtained under FOIA show that Bennett has signed Trump's ethics pledge, as well. So did Pruitt, just a few days after he was confirmed as EPA administrator by the Senate in February 2017.

Like Bennett, other top EPA officials have pledged to stay away from their prior employers.

Troy Lyons, who leads EPA's congressional and intergovernmental relations office, was a Hess lobbyist before coming to the agency. Before he worked at Hess, he had lobbied for BP PLC.

In his recusal statement, Lyons said he was banned from being involved in matters with Hess and BP. His recusal will expire in April 2019.

He noted that during the previous two years, he had lobbied Congress on the renewable fuel standard, crude oil exports, offshore air emissions and methane emissions — issues that are before EPA. Yet as head of congressional affairs, Lyons said, he wouldn't be involved in the "strategy, development or implementation" of those matters, although he would consult with ethics officials if he did become more involved.

Henry Darwin, assistant deputy administrator at EPA, said in his recusal statement that he would abide by an "one-year cooling off period" with his former employer, the state of Arizona. His recusal lasts until July 4 this year and doesn't extend to matters of "general applicability," like rulemaking.

Darwin joined EPA last year as its chief of operations after serving as a top aide to Arizona Gov. Doug Ducey (R). He also has been director of the Arizona Department of Environmental Quality.

Darwin also said in his statement that he was recusing himself from "any award, promotion, or any other personnel or administrative matter" that involves his wife, Veronica, who works at EPA, as well.

Veronica Darwin, a senior adviser in EPA's Office of Land and Emergency Management, also has an one-year cooling off period with the state of Arizona, her previous employer, which ends this June, according to her recusal statement.

Richard Yamada, a deputy assistant administrator in EPA's Office of Research and Development, has owned stock in companies like ConocoPhillips, Exxon Mobil Corp. and Statoil ASA, all valued in the range of \$1,001 to \$15,000, according to his financial disclosure report, dated last October.

But Yamada has a sizable investment in Berkshire Hathaway Inc., the sprawling conglomerate whose holdings include PacifiCorp, the Oregon-based electricity producer, and several other utility and energy companies.

Because of that "current level of [Yamada's] financial ownership" in the company — reported in the range of \$100,001 to \$250,000 — Yamada said he is recused from any matter that will have a direct effect on Berkshire Hathaway, "including any particular matter of general applicability that is focused on sectors in which" the company and its subsidiaries operate. Those encompass pipelines, renewable fuels, alternative fuels, natural gas and electricity, Yamada wrote.

While EPA ethics officials don't expect that his work with the research office will likely "have a direct and predictable financial effect" on Berkshire Hathaway, Yamada said he would first consult with them "prior to participation" if any such situation should arise.

Other senior political appointees have pledged to stay away from certain issues. Dave Ross, head of EPA's water office, has recused himself from participating in the agency's deliberations regarding the Pebble mine project in Bristol Bay, Alaska (see related story).

Legal team's recusals

Several members of the Trump administration's legal team at EPA have ties to companies and entities that have been closely involved in environmental policy or battled with the agency during the Obama administration. Because of those ties, Trump officials have been recused from a number of matters in front of the agency, according to documents obtained through FOIA.

Matt Leopold, the top lawyer at the agency, has several potential conflicts due to his past work for the state of Florida.

Leopold served as general counsel to the state Department of Environmental Protection until March 2015. Leopold continued to provide legal services to the state until June 30, 2017. He was sworn in as general counsel at EPA on Jan. 8.

In a Jan. 10 impartiality determination, principal deputy general counsel Kevin Minoli granted Leopold permission to participate as general counsel in matters that involve Florida, though he wrote that Leopold is required to recuse himself from any matters in which he participated "personally and substantially" as a lawyer for the state. In a Feb. 1 recusal statement, Leopold wrote that he would not participate in any matters involving Okaloosa County, Fla.

In his statement, Leopold noted that several former industry clients, including AT&T Inc., BASF Corp., Ford Motor Co., Siemens Corp., and the Republican National Committee may have environmental interests that conflict with his work at EPA. He is barred from working on matters involving those entities until Jan. 7, 2020.

Leopold also recused himself from litigation brought by the federal government against the South Florida Water Management District and the Florida Department of Environmental Protection regarding phosphorus pollution at Loxahatchee National Wildlife Refuge and Everglades National Park. Leopold also wrote that he would not participate in BASF's challenge to pollution loads for northern Florida's Ochlockonee Basin.

Erik Baptist, EPA's senior deputy general counsel, was a senior counsel and a lobbyist for the American Petroleum Institute prior to joining the agency. He was registered to lobby for four years up until 2016, and his portfolio included working on legislation dealing with the renewable fuel standard program.

Last year, Baptist received a limited waiver from Trump's ethics pledge to participate in discussions involving the RFS.

In an October memo, Baptist recused himself from other issues in which API is a party and said he would not participate in litigation that the oil and gas group filed or was involved in against EPA during the Obama administration. The recusal statement expires June 18, 2019.

The long list of cases from which Baptist is recused includes challenges to the 2015 ozone standard and Obama-era methane limits for the oil and gas industry. Baptist also said he would not participate in the ongoing litigation filed by opponents of the Trump administration over Pruitt's decision to delay safety and emergency response rules for chemical plants.

Baptist also agreed to not participate in matters involving the George Washington University Law School alumni association, Alphabet Inc. or U.S. Bancorp.

Deputy general counsels at EPA have also recused themselves from matters in front of the agency.

David Fotouhi, who joined EPA in March 2017, wrote that he would not participate in matters involving several clients he represented while an attorney at Gibson, Dunn & Crutcher LLP, including the Association of American Railroads, Carnival Corp., Daimler AG, General Electric Co., Lockheed Martin Corp., Tesoro Corp. (now known as Andeavor) and Trout Unlimited. The recusal period ends March 26, 2019.

Justin Schwab, who was part of the Trump administration's "beachhead" team before joining EPA permanently, pledged to not take part in matters involving law firm Baker and Hostetler LLP, his former employer. His list of former clients includes the American Fuel & Petrochemical Manufacturers, Caterpillar Inc., Chevron Corp., Southern Co. and Valero Renewable Fuels Co. LLC.

Schwab also said he wouldn't participate in legal issues where the state of Oklahoma or the Virginia House of Delegates is a party. Those recusal periods have already ended — Sept. 23 last year for Oklahoma and Aug. 31 for Virginia (E&E News PM, March 1).

Other top officials' past legal work has led them to recuse themselves from issues before EPA.

Sarah Greenwalt, the agency's senior adviser for water and cross-cutting initiatives, came to EPA after serving as general counsel at the Oklahoma attorney general's office during Pruitt's tenure there.

In November 2017, Greenwalt submitted a recusal statement stating she would not participate in any cases in which Oklahoma is a party, petitioner or intervenor. The 15 listed cases included challenges to the Obama administration's Clean Water Rule, its Clean Power Plan and various air rules, including methane standards and a rule setting requirements for industrial facilities during periods of startup and shutdown.

Greenwalt also said she would not participate in the litigation against Volkswagen AG over the German automaker's diesel emissions cheating scandal.

The recusal period lasted until March 2. Greenwalt was not barred from working on cases in which Oklahoma participated only as an amicus and not directly as a party.

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060076825/search?keyword=EPA>

Water chief recuses himself on Pebble, but not Chesapeake Bay

By Ariel Wittenberg and Dylan Brown, 3/20/18

The head of U.S. EPA's Office of Water will not be involved in any decisions tied to the Pebble mine project in southwestern Alaska.

David Ross, who represented mining company Pebble LP during his time at Washington, D.C., law firm Crowell & Moring LLP, withdrew himself from all matters related to the contentious copper and gold mining proposal.

A recusal statement, obtained by E&E News under the Freedom of Information Act, says the decision was made out of "an abundance of caution to avoid even the appearance of an ethical or professional responsibility concern."

But Ross has not recused himself from other cases he worked on before leaving Crowell & Moring in 2013 to join another D.C. law firm, including EPA's effort to clean up the Chesapeake Bay.

Ross was "an essential part of the team" that represented Pebble, said Richard Schwartz, who led the effort for Crowell & Moring.

In 2013, for example, Ross was one of four attorneys to file comments on behalf of the mining firm regarding EPA's draft assessment of the potential impacts of mining on Bristol Bay.

The analysis backstopped the agency's 2014 decision to propose pre-emptive limits on mining in Bristol Bay's headwaters to protect the world's largest sockeye salmon fishery.

Crowell & Moring's comments thoroughly rejected EPA's conclusions, arguing that the mine's impact on salmon would be "minimal."

"By ignoring modern mining practices, EPA has created exaggerated risk scenarios," the attorneys wrote.

After Ross' departure, Crowell & Moring continued to represent Pebble, including in the first lawsuit the company filed against EPA in 2014 (Greenwire, May 29, 2015).

That case was dismissed by a federal appeals court, but another of Pebble's three lawsuits tied up the mine in court until President Trump took office.

In 2017, days after EPA Administrator Scott Pruitt met with Pebble executives, the Trump administration brokered a settlement resolving all Pebble litigation and paving the way for the mine application the company submitted in December.

In January, Pruitt took observers by surprise when he reversed his order to withdraw the proposed restrictions, but Pebble permitting continues (Greenwire, Jan. 30).

Schwartz said Crowell & Moring is not currently working for Pebble, but Ross has decided not to participate in "any associated litigation, settlement agreement, and permitting."

"I am obliged to protect the confidences of my former clients," his statement says. "I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially" without obtaining a waiver from EPA's Ethics Office.

With Ross stepping back, decisions about Pebble now fall to Office of Water Deputy Assistant Administrator Lee Forsgren. Forsgren, the second highest-ranking political appointee in the office, did not have to be confirmed by the Senate.

He also has professional experience in Alaska, having worked as a staffer for Rep. Don Young (R-Alaska) in the 1990s.

While Young has not come out for or against the mine itself, he staunchly opposed the pre-emptive limits, saying last year that they "sent a chilling message to any and all future development in Alaska" (Greenwire, May 17, 2017).

Chesapeake Bay

While Ross won't be working on any Pebble-related matters, he has not recused himself from EPA's cleanup of the Chesapeake Bay.

That's despite his former work on a team of Crowell & Moring lawyers representing the American Farm Bureau Federation in a lawsuit against EPA's setting of a "pollution diet" for the bay. The Farm Bureau argued that the Clean Water Act did not allow for such measures, and that EPA's total maximum daily load (TMDL) for pollutants washing off land effectively asserted federal control over local land use and was unconstitutional.

Ross slammed EPA modeling that helped set the pollution limits in oral arguments before the U.S. District Court for the Middle District of Pennsylvania. Mid-Atlantic weekly farming newspaper Lancaster Farming described Ross as criticizing the standard as flawed because it couldn't accurately measure nutrient loadings at the local level.

Ross left Crowell & Moring in 2013 to join another firm before the case went to the court of appeals. There, the 3rd U.S. Circuit Court of Appeals ruled against the Farm Bureau, calling its argument "long on swagger, but short on specificity."

Still, the Chesapeake Bay cleanup remains a point of contention between Congress and the Trump administration, which has proposed drastic budget cuts to the program two years in a row. In fiscal 2018, the administration proposed eliminating the program altogether, and in fiscal 2019, the administration proposed a 90 percent cut, which would eliminate funding to help state and local governments reduce pollution in the bay.

EPA did not respond to questions about why Ross recused himself from one case he worked on in 2013 and not another.

In addition to Pebble, Ross has recused himself from all litigation challenging the Obama administration's Clean Water Rule. Ross sued EPA over that regulation as a senior assistant attorney general in Wyoming's Water and Natural Resources Division in 2015. He has not recused himself from lawsuits relating to the Trump administration's delay or rewrite of the regulation. He is also not recused from rulemaking related to the definition of the waters of the U.S.

Other EPA officials have similarly recused themselves from litigation they worked on at their previous posts (see related story).

EPA's designated agency ethics official has issued an impartiality decision for Ross, who served as director of the Wisconsin Department of Justice's Environmental Protection Unit just before joining EPA. Under that determination, Ross can participate in matters that involve Wisconsin, but not in specific matters he worked on while there.

Politico

<https://www.politicopro.com/energy/whiteboard/2018/03/epa-wants-nominees-for-key-air-quality-advisory-panel-844413>

EPA wants nominees for key air quality advisory panel

By Alex Guillen, 3/20/18, 10:51 AM

EPA is looking for nominees to its Clean Air Scientific Advisory Board, which provides expert advice to Administrator Scott Pruitt on the National Ambient Air Quality Standards.

In a Federal Register notice to be published Wednesday, EPA says it is "especially interested" in experts "who have knowledge and experience relating to criteria pollutants," including ozone and particulate matter.

The terms of four of CASAC's seven members expire at the end of September, according to a federal database. Those four scientists could seek re-appointment, although Pruitt has shown an interest in bringing new members onto his advisory panels.

Asked to confirm EPA will need to fill four spots on CASAC, a spokesman said only that Pruitt "is looking to appoint the most qualified candidates to provide independent counsel to the Agency to further our core mission."

Pruitt last year appointed three new members to fill CASAC's other seats, including Denver-based researcher Tony Cox as the new chairman. Cox testified in 2015 that EPA's tightened ozone standard was based on health benefits that he called "unwarranted and exaggerated."

WHAT'S NEXT: EPA will take nominations for 30 days, and later will take public comment on the nominees for 21 days.

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060076857/search?keyword=EPA>

D.C. Circuit upholds Obama-era haze rule

By Amanda Reilly, 3/20/18

A federal court today upheld an Obama-era air pollution rule, rejecting petitions filed by environmentalists, states and industry.

The U.S. Court of Appeals for the District of Columbia Circuit found that U.S. EPA properly used a program for reducing cross-state emissions to satisfy the Clean Air Act's regional haze requirements.

"Because we find no merit in the conservation petitioners' arguments and can afford no relief to the state and industry petitioners, the petitions are denied," Senior Judge Stephen Williams, a Reagan appointee, wrote for a three-judge panel of the court.

The Clean Air Act's regional haze program is meant to improve visibility at national parks and wilderness areas. Under it, states are supposed to impose "best available retrofit technology," or BART, requirements on certain stationary air pollution sources, typically power plants.

In a 2012 rule, EPA found its cross-state air pollution rule for reducing pollution in the eastern United States was stringent enough to satisfy those technology requirements, thus excusing states that are part of the program from compliance with BART itself.

EPA in the same rule also disapproved of certain state implementation plans under the regional haze program because they had relied on the cross-state rule's George W. Bush-era predecessor.

The National Parks Conservation Association and Sierra Club challenged the first part of the rule, arguing it let power plants avoid having to install haze-reducing controls.

"What we really want is for BART to be well-applied at each individual source," said Earthjustice attorney Charles McPhedran at oral arguments in November in front of Williams and Judges Cornelia Pillard and Thomas Griffith (Greenwire, Nov. 16, 2017).

The Utility Air Regulatory Group, power companies, Texas and the Louisiana Department of Environmental Quality, on the other hand, challenged the latter part of the rule, arguing the plans EPA disapproved offered "far better improvement" in visibility.

In today's 15-page opinion, Williams wrote part of the environmental groups' challenge was moot because it appeared to be aimed at a decision EPA made more than a decade ago to allow categorywide information to be used to meet regional haze requirements. He wrote the D.C. Circuit had also previously upheld similar EPA interpretations of the regional haze program.

Williams also rejected the environmentalists' concerns about averaging pollution emissions. The greens had argued the cross-state pollution rule, which deals with average air pollution, wasn't enough to satisfy the regional haze program's goal of improving visibility at specific locations. The groups said that EPA's rule left 14 national parks and wilderness areas with worse visibility.

"It is in the nature of averages that some particular sites may underperform while others overperform," Williams wrote. EPA's rule requiring aggregate average improvement "was reasonable," he added.

The industry challenges met a similar fate.

Williams wrote that the court couldn't order EPA to consider the Bush-era Clean Air Interstate Rule (CAIR) as an alternative to reducing regional haze because the rule was "already stricken and ordered to be vacated."

In short, the Obama-era cross-state program overrules the Bush version.

"Without CAIR — which all parties agree is dead and beyond revival — there is no legal basis for a requirement that states control their sources at CAIR levels," Williams wrote.

[Click here to read the court's opinion.](#)

AP

<https://apnews.com/ef9fe81b94d14dcdabb0a408f7edee49/Company-that-leases-farm-land-on-Navajo-agrees-to-fine>

Company that leases farm land on Navajo agrees to fine

3/19/18

FARMINGTON, N.M. (AP) — An Idaho-based company that leases farm land on the Navajo Nation has been fined for failing to post information on pesticides and ensuring protective gear properly fits workers.

The U.S. Environmental Protection Agency says Navajo Mesa Farms agreed to pay about \$6,000 to settle four violations from 2013 and 2016.

The company has an office in Farmington and grows potatoes on tribal land.

The EPA says the company didn't post pesticide safety information for workers or indicate a buffer zone for fumigants that would keep bystanders from the area.

The agency says the company also didn't check that workers' respirators fit properly.

The settlement agreement was finalized late last month.

Politico

<https://www.politicopro.com/energy/whiteboard/2018/03/pruitt-proposes-changes-to-refinery-rules-he-says-will-save-millions-849177>

Pruitt proposes changes to refinery rules he says will save millions

By Alex Guillen, 3/20/18, 2:25 PM

EPA Administrator Scott Pruitt today signed a proposal to make various technical changes to a trio of refinery emissions rules that he says will save refiners millions of dollars.

The changes touch on several requirements related to maintenance vents, operations of steam-assisted flares, fence-line monitor placement, pressure relief devices, work practice standards and recordkeeping and reporting rules, according to EPA.

The agency estimated the changes would save refiners from an initial capital investment of \$77 million and annual costs of \$11.5 million. EPA also said that "none of the proposed amendments are projected to appreciably impact the emissions reductions associated with these standards."

Click for the prepublication notice and an agency fact sheet.

EPA's proposal also makes a number of typographical fixes to the rules that were published in December 2015. EPA frequently issues such typo fixes for its regulations.

The American Petroleum Institute and American Fuel & Petrochemical Manufacturers, which petitioned EPA for the changes, quickly praised the proposal, saying it will "reduce uncertainty."

WHAT'S NEXT: EPA will take public comment for 45 days once the proposal is published in the Federal Register.

E&E Daily

<https://www.eenews.net/eedaily/stories/1060076795/search?keyword=EPA>

Republicans question Pruitt's Pebble commitment

By Dylan Brown, 3/20/18

Republican leaders checked this month with U.S. EPA Administrator Scott Pruitt after his reversal on proposed restrictions for the Pebble mine venture in Alaska.

The House Science, Space and Technology Committee published a letter yesterday to Pruitt from Chairman Lamar Smith (R-Texas), House Natural Resources Chairman Rob Bishop (R-Utah) and Congressional Western Caucus Chairman Paul Gosar (R-Ariz.)

The March 7 message came after Pruitt withdrew his own request to eliminate the Obama administration's pre-emptive limits on mining, which undercut Pebble LP's plans for a major copper and gold project in the headwaters of Bristol Bay (Greenwire, Jan. 30).

Pruitt said his action "neither deters nor derails" Army Corps of Engineers permitting that began in December, but the Republicans, who applauded Pruitt initially, now have "serious concerns about the commitment to this goal."

Smith and Bishop's committees held a slew of hearings on the Obama team's decision to use EPA's Clean Water Act veto authority to restrict a large-scale mine in southwestern Alaska to protect Bristol Bay's massive salmon fishery (E&E Daily, April 29, 2016).

Republicans decried the "unprecedented" pre-emptive use of a power EPA has invoked only 13 times, accusing officials of colluding with anti-mining activists on a "questionable scientific assessment."

The Obama administration and EPA Region 10, which was in charge of the science, steadfastly defended their work.

Now, Smith, Bishop and Gosar gave Pruitt a "specific course of action" to stick with the typical permitting process.

The letter states Region 10 officials should monitor the scoping process, but if the Army Corps' environmental impact statement addresses all the issues, Pruitt should withdraw the 2014 proposed determination.

That, the letter states, "establishes a commitment to regulatory certainty and environmental protection while advancing the Administration's commitment to streamlining the permitting process based on sound science."

Politico

<https://www.politicopro.com/energy/whiteboard/2018/03/gop-lawmakers-air-serious-concerns-about-pruitts-pebble-decision-837916>

GOP lawmakers air 'serious concerns' about Pruitt's Pebble decision

By Alex Guillen, 3/19/18, 4:21 PM

Key House Republicans told EPA Administrator Scott Pruitt earlier this month that they have "serious concerns" about his surprise announcement in January that the proposed Pebble Mine would likely pose an unacceptable risk to Alaskan resources, especially the Bristol Bay salmon fishery.

Pruitt's decision to suspend the EPA's proposed withdrawal of Obama-era restrictions was "unfortunate," wrote House Natural Resources Chairman Rob Bishop (R-Utah), House Science Chairman Lamar Smith (R-Texas) and Rep. Paul Gosar (R-Ariz.), chairman of the Congressional Western Caucus. The newly posted letter is dated March 7.

"Despite this decision by the EPA, the Committees believe that the agency can continue to uphold the principles of due process and the rule of law by proceeding with a specific course of action," the lawmakers added.

The mine's Clean Water Act permit application is being processed by the Army Corps of Engineers, and EPA has said it will hold off on taking action until that process is complete. In the meantime, the lawmakers suggest, Pruitt should closely watch the Corps' process and later "make a final informed decision on the status of the proposed determination."

WHAT'S NEXT: The Army Corps permitting process is expected to take until 2019.

Washington Examiner

<https://www.washingtonexaminer.com/policy/energy/epa-to-hold-national-summit-on-chemicals-found-in-drinking-water>

EPA to hold national summit on chemicals found in drinking water

By John Siciliano, 3/19/18, 7:41 PM

The Environmental Protection Agency said Monday that it will hold a two-day summit in May to address a chemical that has been seen as a drinking water contaminant.

"EPA's leadership summit will bring together stakeholders from across the country to build on the steps we are already taking and to identify immediate actions to protect public health," EPA Administrator Scott Pruitt said in a statement. The summit will be held to address perfluoroalkyl and polyfluoroalkyl, which have been turning up in the water supplies of many states.

The chemicals provide the nonstick properties found in everything from kitchenware to food packaging. Studies are being conducted on the effects of the chemicals on humans, including by the Centers for Disease Control and Prevention.

The administration formed a task force to address safety concerns in November 2017.

The two-day summit, which will be held May 23 to 24 in Washington, will be used to provide "critical national leadership," while ensuring state, tribal, and local governments that they will be able "to help shape our path forward," Pruitt said. He announced the summit in a letter sent Monday to governors of all 50 states, tribal leaders and the leaders of U.S. territories.

Michigan Gov. Rick Snyder, a Republican, released a joint statement with Pruitt in announcing the summit. Snyder was at the center of the years-long lead water crisis in Flint, Mich.

"We need a national effort to review the expanding scientific research on these contaminants, as well as possible responses and remediation," Snyder said. "Having a national dialogue on this growing concern could be instrumental in establishing standards, protocols and best practices that will allow all state and federal partners to comprehensively address these contaminants across the country."

The Environmental Council of the States, the main trade group representing state environmental regulators, also provided a statement. "Many states cannot take action on PFAS [perfluoroalkyl and polyfluoroalkyl substances] issues until EPA makes a regulatory determination, and all states would like to see continued federal research and leadership in this area," said the council's executive director, Sambhav Sankar.

President Trump has said that his environmental policy calls for "crystal clear" drinking water. The EPA and other agency announcements this month may be the first steps in what that water policy looks like.

A day after meeting with Trump last week, Energy Secretary Rick Perry announced a new competition with the private sector to address a range of water issues, including drinking water concerns.

"That includes increasing alternative water supplies, reducing costs to treat drinking water and wastewater, using water more efficiently, and advancing market-based solutions that incentivize innovation and cooperation," Perry said. "It is my hope that today is the beginning of a process that will result in bringing water to those in need."

Bloomberg

<https://www.bloomberg.com/news/audio/2018-03-19/let-pruitt-do-it-epa-rules-rollback-means-fewer-riders-on-bill>

Let Pruitt Do It: EPA Rules Rollback Means Fewer Riders on Bill (*Audio)

3/19/18, 3:03 PM

EPA Administrator Scott Pruitt's rollback of Obama-era Environmental Protection Agency rules is taking some of the steam out of Republican efforts to load up the fiscal 2018 omnibus spending bill with policy riders. Bloomberg Government's Jack Fitzpatrick discusses it with Nancy Lyons in the Bloomberg

99.1 Washington newsroom.

Radio +1-212-617-5560

Running time 05:47

Audio discussion link: <https://link.bloomberg.fm/BLM8726974078>

BNA

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=130071229&item=408&prod=deln&cat=AGENCY

Manufacturers Want Clarity on Chemicals EPA Will Scrutinize

By Pat Rizzuto, 3/20/18

Chemical makers want the EPA to give clear signals about the types of substances it will sift through to decide which get scrutinized for possible regulation and which get off the regulatory radar—at least temporarily.

The most effective time for companies to urge the Environmental Protection Agency to investigate or not investigate a chemical is over the next few months before the agency releases its first “prioritization” list of chemicals, and before it announces future prioritization decisions in years to come, Mark Duvall, a Beveridge & Diamond PC attorney, told Bloomberg Environment.

The agency will prioritize more chemicals in future years, but it is unlikely to sift through as many at one time as the Toxic Substances Control Act amendments require it to do in 2019.

The agency must release its first prioritization list of 40 chemicals by early 2019—at the latest—to meet a statutory deadline to classify them as high or low priorities for risk evaluation, Jeffery Morris, director of the agency's chemicals office, said during a recent chemical regulations conference.

Half of those chemicals must come from the EPA's work plan that it created before Congress' 2016 overhaul of TSCA.

The list may also include compounds that have provoked public controversy such as lead or per- and polyfluoroalkyl (PFAS) chemicals, due to alarm about their presence in water supplies, airfields, and elsewhere, according to industry consultants.

Some chemical manufacturers would like the EPA to give them a heads up by naming candidate chemicals it might prioritize before it selects the 40 TSCA requires. Once the agency releases the list, the law gives it only nine to 12 months to decide whether a chemical is a high- or low-priority for risk review.

Information by July

The agency must begin to evaluate the risks of high-priority chemicals as soon as they get that classification. If the multiyear risk evaluation shows a chemical poses an unreasonable risk of harming people or the environment, the EPA must regulate or take other steps to reduce that risk.

A low-priority designation means the agency sets the chemical aside because it has information showing the molecule does not have many hazards, exposures to it are not high, or the chemical is already well controlled, Duvall said. New information can prompt the agency to reexamine a chemical it previously classified as a low priority.

By early July, the EPA will announce details and accept comments on the procedures it will use to identify the 40 chemicals it will screen and classify, Morris said.

State Laws

Most chemical manufacturers will be less interested in the general procedures the EPA will unveil, said Duvall, who advises the American Chemistry Council and other trade associations. They want information to help them determine whether a chemical they make is likely to be included in the list of 40, he said.

For example, the EPA could identify types of chemicals or chemical properties that it plans to focus on, said Paul DeLeo, a principal with Integral Consulting Inc. It also could clearly articulate the types of information that would help it determine whether a chemical is a high- or low-priority, he said.

Chemical manufacturers may want the agency to examine their molecule as either a potential high- or low-priority substance, Duvall said.

If, for example, multiple states are considering regulating a particular chemical, it might benefit manufacturers to have the agency evaluate it. A low-priority designation would not prevent states from regulating, but could provide evidence that controls aren't needed.

In 2017, state legislatures introduced 248 bills to control the hazards of just one chemical, lead, the National Conference of State Legislatures said in a February [analysis](#). In 2016, 33 states enacted 69 laws addressing lead and other chemicals, it said.

Benefits of Early Data

Providing the EPA disposal, recycling, or workplace control details—or offering it chemical exposure or toxicity data—could help companies support their position that a chemical warrants a certain designation, Duvall said.

Steve Owens, an attorney with Squire Patton Boggs, said it's important for the EPA to have data early in its selection process.

Having information before the prioritization process begins means the agency may not have to require new information, said Owens, who served as EPA's assistant administrator for chemical safety and pollution prevention during the Obama administration.

Having data on hand could prevent additional requests for data the agency may not need.

Regardless of whether it's a valid concern, chemical makers are worried the EPA will require a lot of testing and then stick the lab results in a drawer for a long time, Owens said.

The agency can avoid that by clearly signaling to the EPA what data it's really going to need, said Owens and DeLeo.

60 Chemicals

Liz Hitchcock, acting director of Safer Chemicals Healthy Families—a coalition of environmental, labor and other non-profit groups—said the EPA should focus on those with the greatest hazards and highest exposures.

The Safer Chemicals coalition [recommends](#) the agency identify 60 chemical candidates—instead of 40—for prioritization and systematically gather toxicity and exposure information.

The agency's data gathering should include both voluntary and mandatory efforts, she said. Since 2016, EPA has not issued testing orders requiring companies to submit new data under TSCA.

Possible Chemicals

Companies should not wait for the EPA to release its prioritization list or even candidates for such a list, DeLeo said. They should take time now to analyze their chances of being selected and start working with their suppliers and customers to gather information, he said.

The EPA already is evaluating the risks of 10 of the approximately 90 chemicals on the agency's work plan, he said. That leaves about 80 chemicals, of which about 20 could be selected as high-priority chemicals, DeLeo said.

If a company makes one of those 80 chemicals, there's a roughly one-in-four chance the EPA will select its product, DeLeo said.

That probability increases if a chemical—such as lead—is of high interest, he said.

The chances also increase if the agency has recently invested time studying the chemical, DeLeo said.

Working With the Great White North

For example, the EPA and Canadian regulators recently developed case studies evaluating the risks of five chemicals: 4-tert-octylphenol, triphenyl phosphate, phthalic anhydride, cyanide compounds, and molybdenum compounds.

The agencies' work, carried out through the Regulatory Cooperation Council, is not designed to reach conclusions about those chemicals' risks. Instead the agencies are identifying similarities and differences in their risk assessment strategies.

Yet, the EPA may have gathered information about or become more familiar with these chemicals, DeLeo said. Familiarity could increase the chance the agency would select one or more for prioritization.

States' interest in the roughly 3,000 PFAS compounds—produced for the heat-, stick-, and grease-resistance properties they can impart—could prompt the agency to select some of them for prioritization even though they aren't on the work plan list, DeLeo said. Those compounds have been made by 3M, the Chemours Co., Clariant, Daikin Industries Ltd., DuPont, and other chemical manufacturers.

Increasingly states are detecting them in the environment and drinking water sources. The most well-known members of this group are perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS).

PFAS are such a "hot topic," that "I would not be surprised to see them picked up," DeLeo said.

BNA

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=130071227&item=408&prod=deln&cat=AGENCY

EPA Action on Fuel Chemical in Drinking Water One Step Closer

By Tiffany Stecker, 3/20/18

The EPA is close to finishing a report on a chemical best known as a rocket fuel ingredient, in another step toward regulating the substance's presence in drinking water sources around the country.

The agency is under a consent decree to regulate perchlorate in drinking water after years of failing to do so. Perchlorate affects thyroid function and can disrupt normal development in fetuses and children, according to the EPA.

"We're close to getting a final peer review report," Peter Grevatt, director of the Environmental Protection Agency's Office of Ground Water and Drinking Water, told attendees at the Association of Metropolitan Water Agencies' policy conference March 19. "We're on a tight schedule and we are going to keep moving forward on that progress."

Under the settlement between the EPA and environmental advocacy group Natural Resources Defense Council, the agency is required to adopt a regulation by Dec. 17, 2019, and propose a maximum contaminant level goal for the chemical by Oct. 31. The NRDC sued the agency in 2016 for missing deadlines to regulate perchlorate.

The NRDC didn't immediately respond to Bloomberg Environment's request for comment on the announcement.

The peer-reviewed report will analyze the EPA's model assessing how ingesting perchlorate affects human bodies, particularly children in the months before and after birth. It would allow regulators to assess how vulnerable populations respond to the chemical.

Perchlorate can occur naturally but has also been used for fuel and in food packaging to reduce static. The Food and Drug Administration denied a petition to ban the chemical in packaging, saying the justification for restricting it was based on outdated practices in the food industry.

E&E Daily

<https://www.eenews.net/eedaily/stories/1060076797/search?keyword=EPA>

Deal elusive with riders, some funding unsettled

By George Cahlink and Geof Koss, 3/20/18

Congressional leaders are hoping to wrap up negotiations regarding a \$1.3 trillion fiscal 2018 omnibus spending package today, after a handful of unresolved policy and funding issues kept them from finalizing it overnight.

"I would hope that would meet our obligation, which would be [to pass it] at the end of the week," said Sen. Richard Shelby (R-Ala.), a senior appropriator, yesterday.

Lawmakers need to have the bill sent to the president by Friday when existing funding for federal agencies expires.

"There's still a lot of outstanding issues that they're working on," said Rep. Mike Simpson (R-Idaho), chairman of the House Energy-Water Appropriations Subcommittee.

Simpson stressed that the Energy-Water spending bill had been settled and he did not believe any issues on the measure were still being haggled over by House and Senate leaders. He declined to offer specifics.

Lawmakers suggested the unresolved issues include \$1.6 billion in funding for work on a U.S.-Mexico border wall and \$900 million in funding proposed for a series of rail and transit projects linking New York and New Jersey, known as the Gateway project.

The White House has made border wall funding a top priority, while saying it would veto the measure if the Gateway dollars are attached.

Several unspecified environmental riders are also being negotiated by party leaders.

Rep. Ken Calvert (R-Calif.), chairman of the House Interior-EPA spending panel, took a hard line yesterday on the need to attach riders that would scrap the Waters of the U.S. (WOTUS) rule and delay U.S. EPA ozone attainment standards.

Calvert suggested last week those add-ons may not be needed because EPA could make those changes administratively. But he said yesterday Congress should take action because it will take EPA longer to make the changes.

"We need time, so we have to keep these riders in place in order to unwind WOTUS and make sure this ozone top line is brought down to a reasonable number," said Calvert, who suggested leaders were negotiating those provisions.

The Congressional Western Caucus, along with the U.S. Chamber of Commerce and American Petroleum Institute, continued to press yesterday for several policy priorities in the package, including eliminating the WOTUS and ozone rules, easing of the the Endangered Species Act and forest management reforms.

Karen Alderman Harbert, president and CEO of the U.S. Chamber of Commerce's Global Energy Institute, specifically called for scrapping the 2015 ozone regulation, saying it is a "tremendous barrier" to economic growth.

Calvert, meanwhile, declined to confirm potential cuts in EPA staff but said the bill would give EPA Administrator Scott Pruitt "flexibility" to manage the agency.

House Natural Resources Chairman Rob Bishop (R-Utah) said there are a handful of environmental and land-related provisions he hoped might still make the package.

He expressed frustration, however, that so many were already dropped from negotiations with almost no input from the authorizing committees.

"The process sucks," he said.

Bishop also brushed off frustrations raised by environmentalists that lawmakers are using a spending bill to make significant policy changes.

"Tell the environmental groups if they'd quit suing everybody there'd be no riders in play," Bishop added.

New Mexico Sen. Tom Udall, the top Democrat on the Interior-EPA Appropriations Subcommittee who has pressed to strip most environmental riders, said "quite a few are in play."

He said he was concerned that a bipartisan fix for wildfire funding accounts may not make the final legislation because Republicans were seeking to tie it to more partisan riders.

"The riders overall are interfering with coming to agreement. They don't belong on an appropriations bill, in particular they don't belong when the Republicans control the Congress and the executive branch," Udall said.

As negotiations continued, lawmakers and aides brushed off questions about missing Friday's deadline and perhaps needing to pass a short-term funding measure or work into the weekend.

They suggested as long as the bill was posted by today, it could still move through the House on Thursday and then the Senate on Friday.

Reuters

<https://www.reuters.com/article/us-usa-biofuels-trump/trump-administration-preparing-list-of-possible-biofuels-tweaks-sources-idUSKBN1GV2S4>

Trump administration preparing list of possible biofuels tweaks: sources

By Jarrett Renshaw, 3/19/18, 4:57 PM

NEW YORK (Reuters) - The heads of the U.S. Environmental Protection Agency and Agriculture Department are scheduled to meet on Tuesday to winnow down proposals to lower the cost of the nation's biofuels policy to oil refiners, according to two sources familiar with the matter.

The meeting in Washington marks the latest development in the Trump administration's efforts to find common ground between the rival oil and corn industries over the future of the Renewable Fuel Standard, a law requiring refiners to blend biofuels like ethanol into the nation's gasoline and diesel.

The program has created a vast new market for Midwest corn farmers, but refiners have complained the regulation costs them hundreds of millions of dollars a year - creating a rift between two of Trump's key electoral constituencies.

EPA chief Scott Pruitt and Agriculture Secretary Sonny Perdue will draft a list of options for President Donald Trump to choose from during their meeting on Tuesday, according to the sources, who asked not to be named discussing the confidential matter. It is unclear whether the list will include a broad range of options mooted by both sides during recent negotiations hosted by the White House, or whether it will provide narrower recommendations, the sources said.

Officials for the EPA and Agriculture Department did not respond to requests for comment.

The RFS requires refiners to blend increasing amounts of biofuels into their fuel each year, or buy credits, known as RINs, from those that do. As biofuels volumes have increased, the price of RINs has too. Merchant refiners such as Valero and bankrupt Philadelphia Energy Solutions say the costs have become too burdensome.

Trump told lawmakers and industry officials in a closed-door meeting earlier this month that he supported a temporary cap on the price of RINs at 10 cents each, according to a source who attended but asked not to be named.

But a group of corn-state lawmakers told Trump in a letter last week that a cap would have "severe and immediate" consequences to farmers and the biofuels industry, by reducing incentives for blending.

Trump also said he supported expanding sales of high-ethanol gasoline year-round - a tweak long sought by ethanol producers, according to the source.

Credit costs have fallen roughly 40 percent in the past three weeks amid the political uncertainty, trading at 40 cents each on Monday, traders said.

Washington Post

https://www.washingtonpost.com/lifestyle/home/bothered-by-fragrances-this-story-will-be-a-breath-of-fresh-air/2018/03/19/ace83e8a-26cd-11e8-b79d-f3d931db7f68_story.html?utm_term=.924dc512df12

Bothered by fragrances? This story will be a breath of fresh air.

By Elisabeth Leamy, 3/20/18, 7:00 AM

"More and more, I walk into homes, stores and businesses and am greeted with an immediate blast of perfumed air. . . . And what is added scent but a chemical? Why breathe that in constantly"

When a Washington Post reader wrote the comments above and implored me to write an article about how to avoid scented products, I was an easy sell. I find artificially perfumed products so distracting that I have trouble concentrating in their presence. I can't stand to have certain brands of dryer sheets in my house, even in an unopened box in the basement. And I confess that I once sneaked an air freshener out of an Uber and tossed it in the trash!

A growing stink

Despite negative reactions from some consumers, scented products seem to be gaining popularity. For example, plastic garbage bags never used to be scented, but an industry blog says that many now are and that “the market is a fiercely competitive one, so the battle to win the noses of consumers is on.”

As manufacturers make more of their products smell, consumers are putting up more of a stink. Dozens of blogs rail against scented products, including one called “Fragrance Free Living” and another called “Think Before You Stink.” These citizen bloggers call fragrance “the new secondhand smoke.” They’re not crazy. The Environmental Protection Agency says indoor air pollution is real, partly because of fragrances, and that our homes and offices “can be more seriously polluted than the outdoor air in even the largest and most industrialized cities.”

The people who suffer the most from fragrances are those with multiple chemical sensitivity, or MCS. “Fragrances rank high among the chemical exposures I find problematic,” said Alison Johnson, who has MCS and founded the Chemical Sensitivity Foundation. “One thing that alarms me is that in the last few years, the phone calls and emails I’m receiving are now predominantly from people in a panic because exposure to fragrances in the workplace is making it impossible for them to keep a job.” Johnson produced an educational video and is lobbying lawmakers to mandate fragrance-free workplaces.

But artificial fragrances aren’t just a problem for certain groups. More than a third of Americans surveyed reported experiencing health problems when exposed to them, according to a study by Anne Steinemann of the University of Melbourne. “All fragranced products that I tested . . . emitted chemicals classified as hazardous air pollutants,” Steinemann said in an email. “You may not realize you’re being affected until it’s too late.”

The Canadian Center for Occupational Health and Safety lists the following possible symptoms of exposure to fragrances: “headaches, dizziness, nausea, fatigue, weakness, insomnia, numbness, upper respiratory symptoms, shortness of breath, skin irritation, malaise, confusion and difficulty with concentration.”

Labeling confusion

If you’re allergic to nuts or sensitive to gluten, you can read the ingredients on a food package and steer clear. By contrast, fragrances have long been considered trade secrets, so the federal government doesn’t require manufacturers to print what’s in them. The Food and Drug Administration requires manufacturers to list the ingredients in personal-care products, but they are allowed to just state “fragrance” as an ingredient, rather than spelling out what chemicals are in the fragrance.

Federal regulations for household cleaning products are even looser. Manufacturers are not required to list any of these products’ ingredients. A few big companies have begun disclosing their ingredients voluntarily, including SC Johnson, Clorox and Reckitt Benckiser, maker of Lysol. Two states, California and New York, recently took matters into their own hands, passing laws requiring manufacturers to divulge the ingredients in their cleaning products.

Here’s another confusing labeling issue involving fragrances: The terms “unscented” and “fragrance-free” sound the same but are totally different. Unscented means that a product doesn’t have a detectable odor — but it does not mean that it contains no artificial scents. Manufacturers are allowed to use artificial scents in “unscented” products if they are there to cover up the smell of other ingredients.

By contrast, “fragrance-free” is the label to look for if you are bothered by chemical fragrances, as it means no artificial smells have been added to a product. You can double-check this claim, if there are ingredients listed, by looking for the words “perfume,” “parfum” or “fragrance” on the list.

Resources for consumers

Here are some resources for finding fragrance-free products.

EPA Safer Choice-certified products: The EPA scrutinizes product ingredients for safety and certifies those that meet its criteria. When you search the Safer Choice database, you can check a box to look for fragrance-free products only. I

found 860 of them when I looked. You can also look for the Safer Choice label on products at the store. Those that have no chemical scents are marked “fragrance free” in the upper left-hand corner of the label.

Environmental Working Group guides: The EWG provides easy-to-use online databases where you can search for what it deems healthy cleaners and healthy personal-care products. You can then check those products’ ingredients, if provided, to see whether “fragrance” or “perfume” is listed.

New York state’s asthma-friendly guide : Because people with asthma suffer more than most from exposure to chemicals and fragrances, New York created a list of green cleaning products for them that could be useful to you, too. If you type “fragrance free” into the keyword box, the site returns a page full of options.

DIY cleaning product recipes: Women’s Voices for the Earth has been working for better cleaning-product disclosures. Meanwhile, the group provides several recipes to make your own cleaning products. Note: The essential oils used as fragrance are considered more natural but still bother some people. If they bother you, skip them!

Non-perfumed magazines: If the perfume inserts in magazines you’ve subscribed to bother you, contact the publisher. Most large publishers have programs in place to send you magazines without the scented pages.